

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DENNIS A. TATE,

Plaintiff

VS.

HILTON HALL, *et al.*

Defendants

NO. 5:06-CV-339 (CWH)

PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE

ORDER

Plaintiff DENNIS A. TATE has requested this court to provide legal representation for him in the above-captioned proceeding. Tab #12. This is the plaintiff's second such request, the first (Tab #3) having been denied as premature in an order dated September 26, 2006. Tab #6. The defendants have still not filed a responsive pleading in this action and therefore the court still has not had an opportunity to properly review evaluate the circumstances of the case.

The plaintiff is again advised that generally speaking, no right to counsel exists in §1983 actions. *Wahl v. McIver*, 773 F. 2d 1169, 1174 (11th Cir. 1985); *Hardwick v. Ault*, 517 F.2d 295, 298 (5th Cir. 1975); *Meckdeci v. Merrell National Laboratories*, 711 F.2d 1510, 1522 n. 19 (11th Cir. 1983); it is a privilege that is only justified by exceptional circumstances. *Fowler v. Jones*, 899 F.2d 1088, 1096 (11th Cir. 1990). Therefore, after receiving the response(s), the court on its own motion will consider assisting plaintiff in securing legal counsel if and when it becomes apparent that legal assistance is required to avoid prejudice to his rights.

Accordingly, plaintiff's motion for appointment of legal counsel (Tab #12) is **DENIED**.

SO ORDERED, this 12th day of OCTOBER, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE